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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/567,344	02/06/2006	Yoav Paltieli	1312PAL-US	5319												
David Klein Dekel Patent Beit I Iarofirm 18 Menoha Venahala Street Room 27 Rehovot, ISRAEL	7590 09/24/2009		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">ROY, BAISAKHI</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3737</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>09/24/2009</td><td>PAPER</td></tr></table>		EXAMINER		ROY, BAISAKHI		ART UNIT	PAPER NUMBER	3737		MAIL DATE	DELIVERY MODE	09/24/2009	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Response to Arguments***

1. With respect to the 102 (b) rejection of claims 1 and 2 under Paltieli (6200279), applicant has not submitted a response to this rejection which was part of the office action mailed on 3/17/09. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions, amend or cancel the claims. Applicant must also discuss the reference applied against claims 1 and 2, explaining how the claims avoid the references or distinguish from them. Applicant submitted a terminal disclaimer with respect to the double patenting rejection of claims 1 and 2 but claims 1 and 2 were also rejected by Paltieli (6200279) under 102(b) and cannot be overcome by a declaration or affidavit. Examiner maintains the rejection since the rejection has not been argued and claims have not been amended.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Paltieli (6200279). Paltieli et al. discloses a method for detection of complications during labor to monitor any critical conditions such as the frequency, duration, and strength of uterine contraction and measuring cervical dilation (col. 4 lines 46-64). The steps involve touching a position sensor (PS 1-5, fig. 5) to a point on a fetal presenting

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part of a fetus in a mother (col. 4 lines 18-23) and capturing a position of the position sensor and touching the position sensor to a set of points on the mother and capturing the position of the position sensor at each point (col. 4 lines 8-9) and detecting a complication.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAISAKHI ROY whose telephone number is (571)272-7139. The examiner can normally be reached on M-F (7:30 a.m. - 4p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN CASLER/  
Supervisory Patent Examiner, Art  
Unit 3737

BR  
/B. R./  
Examiner, Art Unit 3737